IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.2297 of 2002

Between:

B.Sai Prasad.

..... PETITIONER

AND

The District Judge,
West Godavari District,
Eluru.

.....RESPONDENT

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki)***

Heard learned Counsel for the parties.

Certain process servers were promoted to the posts of copyists along with the petitioner. Seven process servers were promoted on the basis of a selection made by holding a test. Though the post

was not a selection post, the respondent-department was obliged to use the test only for the purpose of determining the suitability but after having found seven persons eligible for promotion, the respondent-department prepared a merit list and the present petitioner was last in such merit list. Because of lack of vacancy, after some time of his promotion, he was reverted back to the post of process server on 03-04-2000. The petitioner challenged the order by filing W.P.No.11046 of 2000, which was allowed by a Division Bench of this Court on 29-08-2000. In the said Writ Petition, the High Court directed reversion of another candidate, who was third respondent therein, as he was junior to the present writ petitioner in the last grade. After the Division Bench's judgment, the petitioner was promoted and the junior most was reverted. Now his grievance is that in the seniority list, his seniority has been determined on the basis that he was promoted after the judgment of the High Court. Obviously, this is wrong.

We have gone through the counter-affidavit also. No pleas, which could justify the action of the respondent, have been raised. After the High Court had set aside and quashed the order dated 03-04-2000, and after the third respondent in WP.No.11046

of 2000 had been reverted, the only option to the respondent-department was to consider the seniority of the petitioner on the basis of the promotion he had got, before he was reverted. He was promoted at the first instance on
26-08-1998.

In these circumstances, we allow the Writ Petition and direct the respondent to re-fix the seniority of the petitioner in accordance with the observations made herein above. No costs.

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(Bilal Nazki, J)

20th July, 2006

(M.Venkateswara Reddy, J)

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